

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GEORGE W. SMITH, JR.

2331 West 4th Street
Chester, PA 19013

Civil Action:

NO:

vs.

RUSSELL REID WASTE HAULING

200 Smith St.
Keasbey, N.J. 08832

JURY TRIAL DEMANDED

COMPLAINT

1. Jurisdiction is founded on diversity of citizenship and the amount in controversy exceeds \$75,000 exclusive of interest and costs, as specified by 28 U.S.C. Sec. 1332.

2. Plaintiff George W. Smith., Jr who is domiciled and also resides at the address indicated in the caption. He is a citizen of the Commonwealth of Pennsylvania.

3. Defendant, Russell Reid Waste Hauling (Hereinafter referred to as "Russell Reid") is a corporation with a principal place of business at 200 Smith st., Keasbey, N.J. 08832. Defendant, Russell Reid Waste Hauling, was the owner of the truck driven by its employee at the time of the accident and who is acting within the course and scope of his employment..

4. On or about November 3, 2016, plaintiff, George W. Smith, Jr., was the operator of a motor vehicle traveling in Eastbound from 322 down 291 ramp at or near Chester Plaza in Chester City, Pennsylvania in the County of in County of Chester, Commonwealth of Pennsylvania.

5. On the aforesaid date, time and place, an employee of defendant Russell Reid Waste Hauling, was the operator of a motor vehicle which was also traveling Eastbound from 322 down 291 ramp at or near the aforesaid location when, suddenly and without warning, the

employee negligently and carelessly "backed up" into plaintiff's vehicle, thereby causing the plaintiff to sustain personal injuries, the details of which are more particularly described below.

6. This motor vehicle accident was the direct result of the negligence and, carelessness on the part of the defendant herein, and was due in no manner whatsoever to any act or failure to act on the part of the plaintiff herein.

7. As a result of the aforesaid accident, plaintiff, George W. Smith., Jr., was caused to sustain serious injury to his head, neck, right arm and right shoulder, including but not limited to; cervical intervertebral disc herniation, brachial neuritis/radiculitis, segmental somatic dysfunction thoracic spine, lumbar intervertebral disc herniation, lumbosacral radiculitis, meniscal tear of the right knee, sprain and strain of the right knee and headache syndrome, all of which has caused her pain and agony and prevented him and probably will in the future prevent him from attending to his daily occupations, and some or all of which their effects and consequences may be permanent in nature.

8. As a further result of this accident, plaintiff, George W. Smith, Jr., has been and/or will be obliged to receive and/or undergo medical attention and care and to expend various sums of money or to incur various expenses, and she may be obligated to continue to expend such sums or incur such expenses for an indefinite period of time into the future.

9. As a further result of this accident, plaintiff, George W. Smith, Jr., has suffered a severe loss of his earnings and/or impairment of his earning capacity and power.

10. As a further result of this accident, plaintiff, George W. Smith, Jr., has suffered severe physical pain, mental anguish and humiliation, and he may continue to suffer same for an indefinite period of time into the future.

11. As a further result of this accident, plaintiff's vehicle was damaged and required repairs, all to his great financial detriment and loss.

COUNT I

PLAINTIFF GEORGE W. SMITH, JR. vs. DEFENDANT RUSSELL REID WASTE HAULING

12. Plaintiff hereby incorporates by reference paragraphs 1 through 11 above as though same were more fully set forth below at length.

13. The negligence and carelessness on the part of defendant, Russell Reid Waste Hauling, and its employee, consisted of, but is not limited to, the following:

- (a) Failing to have his vehicle under proper and adequate control;
- (b) Put his vehicle in reverse and/or "let it roll backwards";
- © Failing to maintain an assured clear distance ahead;
- (d) Operating his vehicle in a dangerous and unsafe manner;
- (e) Failing to make timely application of his vehicle's brakes;
- (f) Failing to maintain a proper lookout;
- (g) Failing to slow, stop or swerve his vehicle when he knew, or in the exercise of reasonable care should have known that unless he did so, his vehicle would cause the aforesaid accident.
- (h) As to defendant Russell Reid Waste Hauling allowing and permitting its vehicle to be operated by its employee, when the defendant knew or should have known in the exercise of reasonable care that their employee was not adequately trained to operate or was otherwise incapable of safely operating the said vehicle;

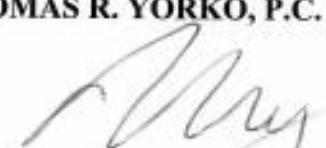
(l) Defendant, Russell Reid Waste Hauling, is responsible for the negligent actions of its employee performed in the course and scope of his employment; and

(j) Negligently entrusting the vehicle to its employee.

WHEREFORE, plaintiff, George W. Smith, Jr., demands judgment in his favor and against the Defendant, Russell Reid Waste Hauling in an amount in not in excess of \$150,000 including damages for bodily injury, excess medical expenses and attorney fees and costs.

DATE: 11/22/17

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